

**IN THE UNITED STATES COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**PROGRESSIVE GULF
INSURANCE COMPANY**

PLAINTIFF

VS.

CIVIL ACTION NO 1:06CV1217-HSO-JMR

JOE DON SMITH, ET AL.

DEFENDANTS

FINAL JUDGMENT

This matter came on to be heard on the Motion for Summary Judgment filed by Progressive Gulf Insurance Company. The Court, after a full review and consideration of the Plaintiff's Motion, Defendant's Response, Plaintiff's Rebuttal, the pleadings on file and the relevant legal authorities, finds that in accord with its Order and Reasons entered herewith,

IT IS, ORDERED AND ADJUDGED, that because there is no genuine issue as to any material fact, Progressive's Motion for Summary Judgment [24-1], should be and is hereby **GRANTED**.

IT IS, FURTHER ORDERED AND ADJUDGED that Progressive has neither a duty to defend nor indemnify any party in connection with the matters at issue in the state court action styled *Joe Don Smith v. Carl Hodge, Sr., et al.*, In the Circuit Court of Pearl River County, Mississippi, Case No. 2006-0394; and this matter is hereby dismissed with prejudice.

SO ORDERED AND ADJUDGED, this the 15th day of May, 2008.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE